



WT-04-143  
UNITED STATES DEPARTMENT OF COMMERCE  
National Telecommunications and  
Information Administration  
Washington, D.C. 20230

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MAR 17 2006  
Federal Communications Commission  
Office of the Secretary

Mr. Julius Knapp  
Deputy Chief  
Office of Engineering and Technology  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Dear Mr. Julius Knapp:

In a Notice of Proposed Rulemaking (NPRM) from April 2004, the Federal Communications Commission (Commission) proposed to rechannelize the 17.7-19.7 GHz band.<sup>1</sup> Based on the proposals contained in this NPRM, National Telecommunications and Information Administration (NTIA) concluded that the rechannelization would not adversely impact Federal operations. Comments in the record of this proceeding from the fixed services community request that the Commission allow Multichannel Video Programming Distributors (MVPDs) to operate in the 17.7-17.8 GHz band. We have concerns that, if the Commission allows MVPD operations in this band, such operations could cause interference to a limited number of Federal receiving earth stations. NTIA requests that the Commission either implement the proposal as stated in the NPRM, which does not provide for MVPD operations in 17.7-17.8 GHz or, if the Commission chooses to permit MVPD in the band, then we request that any MVPD stations in the areas Denver, CO and Washington, DC be required to coordinate in a manner similar to the coordination currently performed in the spectrum above 17.8 GHz.<sup>2</sup> This coordination would be limited to MVPD operations and conducted in accordance with the footnote proposed below.

We and the Commission have cooperated in the past to protect Federal facilities while minimizing the impact on non-Federal facilities. Pursuant to our requests in 1995, 1996, and 1997, the Commission acted to provide for and protect Federal fixed-satellite service (space-to-Earth) operations in the band 17.8-20.2 GHz.<sup>3</sup> These actions included the

<sup>1</sup> See Notice of Proposed Rulemaking ("NPRM") In the Matter of Rechannelization of the 17.7-19.7 GHz Frequency Band for Fixed Microwave Services under Part 101 of the Commission's Rules, WT Docket No. 04-143, released April 19, 2004.

<sup>2</sup> In the band 17.7-17.8 GHz, coordination would be required within the areas currently listed in 47 CFR § 1.924 for the band 17.8-19.7 GHz.

<sup>3</sup> See NTIA Letter from Larry Irving, Associate Secretary for Communications and Information, United States Department of Commerce, to The Honorable Reed E. Hundt, Chairman, FCC, dated July 12, 1995. See NTIA Letter from William D. Gamble, Deputy Associate Administrator, Office of Spectrum Management, NTIA, United States Department of Commerce, to Richard Smith, Chief, Office of

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adoption of US334 and, for specified areas, the establishment of coordination zones and exclusion zones for fixed service licensees at 18 GHz.

As the Commission previously noted, "[s]ince adoption of footnote US334, the NTIA and the Commission have explored various methods of protecting the Government Earth stations while minimizing the impact on non-Government services. Because of the variety of non-Government terrestrial services in the 17.8-20.2 GHz band, it was determined that the optimum solution differs depending on the characteristics of the service. For instance, the highly directional nature of fixed point-to-point operations allows individual point-to-point links to be coordinated with Government operations at much closer distances than is possible with point-to-multipoint operations."<sup>4</sup> Our experience with the many types of fixed services that already operate in this frequency range indicates that the protection of the Federal earth stations in the specified geographic areas necessitates that if the Commission extends MVPD operations to the band 17.7-17.8 GHz, then the Commission should also extend the requirement for prior coordination.

Therefore, NTIA requests that if the Commission chooses to permit MPVDs in the band, the Commission extend protection of these receiving Federal earth stations to the band 17.7-17.8 GHz in the geographic areas identified in NTIA March 1997 letter. This result would be implemented with minimum impact on MVPDs through the adoption of the footnote given below, implementation of associated changes to existing rules in Parts 1, 74, and 78, and also extension of the rules in 47 CFR 101.31 prohibiting the early commencement of operations in 17.7-17.8 GHz pending coordination with the Federal Government.

USXXX - In the band 17.7-17.8 GHz, Federal earth stations in the fixed-satellite service (space-to-Earth) may be authorized in the Denver, CO and Washington, DC areas on a primary basis. Before commencement of operations, non-Federal fixed service applications supporting Multichannel Video Programming Distributors (MVPD) shall be coordinated through the Frequency Assignment Subcommittee of the Interdepartmental Radio Advisory Committee.

NTIA acknowledges that many fixed services with differing characteristics already operate in the band 17.7-17.8 GHz without coordination with the Federal earth stations in the specified locations. Accordingly, NTIA wishes to emphasize that we does not seek to

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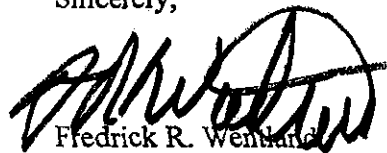
Engineering and Technology (OET), FCC, dated May 23, 1996. See NTIA Letter from Richard Parlow, Associate Administrator, Office of Spectrum Management, NTIA, United States Department of Commerce, to Richard Smith, Chief, OET, FCC, dated March 5, 1997. See NTIA Letter from Richard Parlow, Associate Administrator, Office of Spectrum Management, NTIA, United States Department of Commerce, to Richard Smith, Chief, OET, FCC, dated January 7, 1997.

<sup>4</sup> See Amendment of the Commission's Rules to Relocate the Digital Electronic Message Service from the 18 GHz Band to the 24 GHz Band and To Allocate the 24 GHz Band For Fixed Service, Order (FCC 97-95), 12 FCC Rcd 3471 at ¶ 4 (1997).

require coordination of fixed services already authorized in 17.7-17.8 GHz, for which coordination has not been previously required.

We would be pleased to work with the Commission to develop a further notice in this proceeding. The NTIA point-of-contact is Edward Davison (202-482-5526; [edavison@ntia.doc.gov](mailto:edavison@ntia.doc.gov)).

Sincerely,

A handwritten signature in black ink, appearing to read "Fredrick R. Wentland", written over a circular stamp or seal.

Fredrick R. Wentland  
Associate Administrator  
Office of Spectrum Management